

ASSEMBLY BILL

No. 1881

Introduced by Assembly Member Laird

January 23, 2006

An act to amend Sections 65591.2 and 65591.5 of, and to repeal Section 65593 of, the Government Code, relating to water conservation.

LEGISLATIVE COUNSEL'S DIGEST

AB 1881, as introduced, Laird. Water Conservation in Landscaping Act.

The Water Conservation in Landscaping Act requires the Department of Water Resources to appoint an advisory task force to work with the department to draft a model local water efficient landscape ordinance that local agencies may adopt, requires the task force to submit the ordinance to the department on or before May 1, 1991, and requires the task force to cease to exist on the date the department adopts the model ordinance or January 1, 1992, whichever occurs first.

This bill would repeal provisions regarding the advisory task force.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 65591.2 of the Government Code is
- 2 amended to read:
- 3 65591.2. The Legislature finds and declares all of the following:
- 4 (a) The waters of the state are of limited supply and are subject
- 5 to ever increasing demands.

1 (b) The continuation of California's economic prosperity is
2 dependent on adequate supplies of water being available for future
3 uses.

4 (c) It is the policy of the state to promote the conservation and
5 efficient use of water and to prevent the waste of this valuable
6 resource.

7 (d) Landscapes are essential to the quality of life in California
8 by providing areas for active and passive recreation and as an
9 enhancement to the environment by cleaning air and water,
10 preventing erosion, offering fire protection, and replacing
11 ecosystems lost to development.

12 (e) Landscape design, installation, and maintenance can and
13 should be water efficient.

14 (f) *Section 2 of Article X of the California Constitution specifies*
15 *that the right to use water is limited to the amount reasonably*
16 *required for the beneficial use to be served and the right does not*
17 *and shall not extend to waste or unreasonable use or unreasonable*
18 *method of use.*

19 SEC. 2. Section 65591.5 of the Government Code is amended
20 to read:

21 65591.5. (a) It is the intent of the Legislature that the
22 Department of Water Resources prepare and promote the use of a
23 model water efficient landscape ordinance ~~which~~ *that* local
24 agencies may adopt.

25 ~~(b) It is the intent of the Legislature that the Department of~~
26 ~~Water Resources adopt a model water efficient landscape ordinance~~
27 ~~based on recommendations from a task force representing the~~
28 ~~landscape, water, and building industries, local agencies, and~~
29 ~~others.~~

30 ~~(c) It is the intent of the Legislature that the task force reach~~
31 ~~general agreement on those provisions which will be included in~~
32 ~~the model water efficient landscape ordinance.~~

33 ~~(d) It is the intent of the Legislature that the task force consider~~
34 ~~the most recent information on efficient landscape irrigation~~
35 ~~technologies and those elements of existing water efficient~~
36 ~~landscape ordinances which have proven successful in reducing~~
37 ~~water consumption.~~

38 ~~(e) It is the intent of the Legislature that the model water~~
39 ~~efficient landscape ordinance developed pursuant to this article~~
40 ~~promote the most efficient use of water in the landscape while~~

1 ~~respecting the economic, environmental, aesthetic, and lifestyle~~
2 ~~choices of individuals and property owners.~~

3 SEC. 3. Section 65593 of the Government Code is repealed.

4 ~~65593. Not later than February 1, 1991, the department shall~~
5 ~~appoint an advisory task force to work with department staff in~~
6 ~~the drafting of a model water efficient landscape ordinance. The~~
7 ~~task force shall consist of the following members:~~

8 ~~(a) One member selected from a list provided by the League of~~
9 ~~California Cities.~~

10 ~~(b) One member selected from a list provided by the County~~
11 ~~Supervisors Association of California.~~

12 ~~(c) One member selected from a list provided by a recognized~~
13 ~~professional association in California representing water agencies.~~

14 ~~(d) One member selected from a list provided by a recognized~~
15 ~~association in California representing commercial builders.~~

16 ~~(e) One member selected from a list provided by a recognized~~
17 ~~professional association in California representing residential~~
18 ~~builders.~~

19 ~~(f) One member representing a nonprofit environmental~~
20 ~~protection organization or a water conservation organization whose~~
21 ~~principal purpose includes promoting the efficient use of water or~~
22 ~~water conservation.~~

23 ~~(g) One member selected from a list provided by a recognized~~
24 ~~professional association in California representing the nursery~~
25 ~~industry.~~

26 ~~(h) One member selected from a list provided by a recognized~~
27 ~~professional association in California representing landscape~~
28 ~~contractors.~~

29 ~~(i) One member selected from a list provided by a recognized~~
30 ~~professional association in California representing landscape~~
31 ~~architects.~~

32 ~~(j) One member selected from a list provided by a recognized~~
33 ~~professional association in California representing the~~
34 ~~manufacturers or designers of irrigation equipment.~~

35 ~~(k) One member representing the Green Industry Council of~~
36 ~~California.~~

37 ~~(l) One member selected from a list provided by a recognized~~
38 ~~association in California representing the growers or producers of~~
39 ~~turf grass.~~

40 ~~(m) One member selected by the Director of Water Resources.~~

1 Membership of the task force shall, to the extent practicable, be
2 representative of the state's cultural, racial, and ethnic diversity
3 and gender balance.

4 All meetings of the task force shall be subject to Article 9
5 (commencing with Section 11120) of Chapter 1 of Part 1 of
6 Division 3 of Title 2 of the Government Code.

7 The Legislature declares that some individuals appointed as
8 members of the task force must be chosen as representatives of
9 the industries and professions impacted by local water conservation
10 ordinances, and that their representation of these industries and
11 professions does serve the general public interest as they have
12 unique information, expertise, and experience on the issue of water
13 conservation and landscaping that should be taken into
14 consideration by the department as it considers the development
15 of model water conservation ordinances. Therefore, for purposes
16 of persons who hold this office, the industries and professions
17 which are represented on the task force constitute the public
18 generally within the meaning of Section 87103 of the Government
19 Code in those decisions impacting those specific industries and
20 professions, unless the results of their actions taken as task force
21 members have a material financial effect on those members
22 distinguishable from their effect on other members of their
23 respective industries and professions generally.

24 The task force shall submit the recommended model local water
25 efficient landscape ordinance to the department on or before May
26 1, 1991.

27 The department shall adopt a model local water efficient
28 landscape ordinance based on the recommendations of the task
29 force.

30 The task force shall cease to exist on the date the department
31 adopts a model local water efficient landscape ordinance or January
32 1, 1992, whichever occurs first.